

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**WESLEY WOOD,**

Petitioner,

v.

**Civil Action No. 5:23-CV-339**  
Judge Bailey

**WARDEN FCI GILMER,**

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above referenced case is before this Court upon United States Magistrate Judge James P. Mazzone's Report and Recommendation [Doc. 17] that respondent's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment [Doc. 14] be granted. Further, the magistrate judge concluded that petitioner's petition [Doc. 1] should be denied and dismissed with prejudice. See [Doc. 17 at 18–19].

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court

level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation within the deadline prescribed by the magistrate judge.

Accordingly, a review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. As such, the magistrate judge's Report and Recommendation [Doc. 17] is **ADOPTED**. Respondent's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment [Doc. 14] is **GRANTED**, and petitioner's petition [Doc. 1] is **DENIED** and **DISMISSED WITH PREJUDICE**. The Clerk is instructed to strike this matter from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein, and to mail a copy to petitioner via certified mail, return receipt requested.

**DATED:** May 21, 2024.

A handwritten signature in black ink, appearing to read 'John Preston Bailey', written over a horizontal line.

**JOHN PRESTON BAILEY**  
**UNITED STATES DISTRICT JUDGE**